

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENYON B. FITZGERALD, ET.AL.,

Plaintiff,

**-against-**

WADE F.B. THOMPSON, ELIHU ROSE, ARIE L.  
KOPELMAN, STEPHEN LASH, EDWARD KLEIN,  
REBECCA ROBERTSON, KIRSTEN REOCH,  
CHARLES GARGANO, WILLIAM SHERMAN,  
SEVENTH REGIMENT ARMORY CONSERVANCY,  
INC.,

**Defendants.**

[illegible]

## AFFIDAVITS OF SERVICE

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 07-CIV-6851

KENYON B. FITZGERALD, ET. AL.

, Plaintiff(s)

- against -

WADE F.B. THOMPSON, ELIHU ROSE, ARIE L. KOPELMAN, STEPHEN LASH, EDWARD KLEIN, REBECCA ROBERTSON, KIRSTEN REOCH, CHARLES GARGANO, WILLIAM SHERMAN, SEVENTH REGIMENT ARMORY CONSERVANCY, INC.

, Defendant(s)

State of New York )  
 ) SS.:  
County of Nassau )

AFFIDAVIT OF SERVICE

Mark C. Eisenberg being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 08/10/2007 at 11:18 AM at:

216 STARLING COURT  
MANHASSET NY 11030

Deponent served the:  
SUMMONS IN A CIVIL CASE  
COMPLAINT WITH JURY TRIAL REQUESTED  
CIVIL CASE COVER SHEET  
RULE 7.1 STATEMENT  
INDIVIDUAL PRACTICES OF JUDGE BARBARA S. JONES  
upon EDWARD KLEIN,

by delivering true copies to:  
Victor Doe(Refused Last Name), Security Guard  
who stated that they were authorized to accept service on behalf of:  
EDWARD KLEIN.

Deponent was unable to serve recipient personally having made attempts on:  
08/02/2007 at 4:15 PM - Attempted service, spoke with security guard "Jerry". Stated Horowitz family lives in 216 Starling Court. Checked directory, "Dr. Melvin Klein" is the only Klein on directory.  
08/09/2007 at 4:30 PM - Attempted service, spoke with different security guard who refused to identify himself. Stated Dr. Melvin Klein is only Klein on directory. Stated 216 Starling Court is listed to "Horowitz". Security guard denied access to gated community.  
08/10/2007 at 11:18 AM - Attempted service, spoke with different security guard named "Victor Doe". Denied process server access access to gated community. Service left with him.

Within 20 days of such service, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at:

EDWARD KLEIN  
216 STARLING COURT  
MANHASSET NY 11030

and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not indicate by return address or otherwise that the communication was from an attorney or concerned an action against the recipient. To the best of my knowledge, based on information and belief, the said recipient at the time of service was not engaged in the military service of the United States or New York. Recipient wore ordinary civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 43 HEIGHT: 5'11" WEIGHT: 250 HAIR: BLACK RACE: BLACK SEX: MALE  
OTHER: Moustache

SWORN TO BEFORE ME

9/6/07

Mark C. Eisenberg

License #1232210

OUR DOC# 18863  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

Lauren Eisenberg  
LAUREN E. EISENBERG  
Notary Public, State of New York  
No. 01E160938/1  
Qualified in Suffolk County  
Commission Expires June 9, 2011

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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, Plaintiff(s)

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WADE F.B. THOMPSON, ELIHU ROSE, ARIE L. KOPELMAN, STEPHEN LASH, EDWARD  
KLEIN, REBECCA ROBERTSON, KIRSTEN REOCH, CHARLES GARGANO, WILLIAM  
SHERMAN, SEVENTH REGIMENT ARMORY CONSERVANCY, INC.

, Defendant(s)

State of New York )  
County of Nassau ) SS.:

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the county of Nassau,  
State of New York. I am and was on the dates herein mentioned, over the age  
of eighteen years and not a party to the action. I served the within:

SUMMONS IN A CIVIL CASE

COMPLAINT WITH JURY TRIAL REQUESTED

CIVIL CASE COVER SHEET

RULE 7.1 STATEMENT

INDIVIDUAL PRACTICES OF JUDGE BARBARA S. JONES

on the defendant, in said action by placing true copies thereof enclosed in  
a sealed envelope with postage thereon pre-paid for first class in the United  
States Mail at: , New York, addressed as follows:

216 STARLING COURT  
MANHASSET NY 11030

Said envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not indicate  
by return address or otherwise that the communication was from an attorney or  
concerned an action against the individual.

OTHER: Moustache

SWORN TO BEFORE ME

9/6/07

Mark C. Eisenberg

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OUR DOC# 18863  
Whitney North Seymour, Jr.  
425 Lexington Avenue  
Room 1721  
New York NY 10169

*Lauren E. Eisenberg*

LAUREN E. EISENBERG  
Notary Public, State of New York  
No. 01E16093871  
Qualified in Suffolk County  
Commission Expires June 9, 2011